

LELAND A. DINGEE
President

CHARLES RYAN
Vice President

HAROLD RANDOLPH
At Large

CHARLES KOKOROS
District 1

JOHN MULLANEY
District 2



THOMAS BOWES
District 3

HENRY JOYCE
District 4

RONALD DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

October 21, 2008

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, October 21, 2008 beginning at 7:30 p.m.

Council President Dingee was in the chair.

Clerk of the Council, James Casey, conducted the roll call.

Present: Leland A. Dingee, President
Charles B. Ryan, Vice-President
Harold Randolph
John C. Mullaney
Thomas Bowes
Henry N. Joyce
Paul Dan Clifford (left early; at 9:12p.m.)
Ronald DeNapoli
Charles Kokoros (arrived late; at 7:36p.m.)

Also Present: Bob Campbell, Town Engineer
Paul Frazier, Police Chief
Marybeth McGrath, Director of Inspection Department
Russ Forsberg, Building Inspector
Many Residents (Elm Street Area)
Peter Stavropoulos, Owner of Angelina's Pizzeria (419 Elm Street)

There was a moment of silence for all those serving in our armed services, past and present, and the meeting was opened with the pledge of allegiance to the flag.

CORRESPONDENCE

- Councilor Ryan: Flu Clinic at Town Hall on November 8, 2008; 9:00A to 1:00P
- New Town Web Site: Councilor Members to complete biography section by November 5th

ANNOUNCEMENTS

- CP 08 002 Committee Assignment: Town Auditor Position
Council President assigned to Committee on Personnel Issues

Motion: by Councilor Ryan to approve

Second: by Councilor Randolph

Vote: Unanimous

- CP 08 003 Discussion: Proposed 2009 Council Meetings Calendar
Council Members to review proposed dates and report back on November 5th

APPROVAL OF MINUTES

October 7, 2008

Motion: by Councilor Ryan to accept minutes

Second: by Councilor Randolph

Vote: For (7); Against (0); Present (1-Clifford); Arrived After Vote (1-Kokoros)

Councilor Kokoros arrived at 7:36p.m.

CITIZEN CONCERNS/COUNCIL RESPONSE

- CC 08 002 Discussion: Angelina's Pizzeria - 419 Elm Street

Councilor Bowes, Chairman of the Public Safety Committee, informed members that the TASC Committee met earlier today and voted to monitor parking and traffic for a 90-day period, beginning when pizza officially opens for business, and will make appropriate recommendations to address any issues noted.

Several residents living in close proximity of the new pizzeria scheduled to be opened in the former "What's Cookin" establishment were concerned with traffic, parking, safety, litter problems, serving of alcoholic beverages, and with the new pizzeria shop becoming a hangout for kids due to the planned 11:00pm closing time. Residents claimed the previous businesses normally closed in the late afternoon therefore, kids hanging out was never a problem. The issues on traffic, parking and safety were a concern in the past and remain a concern. It was stated that trucks would normally park in front of the store on Elm Street while they made their purchases.

The parking lot is small and can not accommodate many vehicles never mind trucks. The residents suggested adding no parking signs along the front of the pizzeria, requiring the pizzeria to close by 9:00pm, having a locked dumpster, and a trash receptacle. The following residents registered these issues with the Committee: J. Carney of 17 Elmlawn Road, C. Kennedy of 427 Elm Street, G. Needham of 9 Devon Road, A. Manto of 21 Elmlawn Road, A. Soares of 15 Elmlawn Road, V. Vaidya of 22 Jay Street, B. McMullin of 16 Devon Road, and J. Hession of 7 Drinkwater Avenue.

Councilor Mullaney, questioned the attached 8' x 10' deck attached to the property and it's usage as outside seating.

Marybeth McGrath and Russ Forsberg of the Building Department addressed many of the questions presented during the evening. She explained that the common victualler license was issued in August of 2008 and received favorable recommendations from all departments. The holders of these licenses can stay open to 11:00p.m. however, many close before that hour as a business decision on their part. She explained the deck was for egress purposes and the owner would have to come before the licensing board to add outside seating. She stated that the owner has not requested a liquor license nor was one issued. Mr. Forsberg explained that a notification to adjoining owners was not required because the building was not be expanded only renovated.

Councilor Bowes asked Mr. Forsberg if the deck is included in determining the number of parking spaces. Mr. Forsber replied, no, only the cenclosed space.

Mr. Stavropoulos, owner of Angelina's Pizzeria, explained that he had put a considerable amount of money in upgrading the property and he has complied with all Town Departments. He explained that with or without the business, the traffic issues, truck problems and safety of the roadway will still be there. What he can control is the litter and loitering of kids on the property. He ensured the residents that those issues would not become a problem. He explained that the closing of the business will be dependent upon the volume of business he does in the evening. If it's not there, he would be closing earlier. However, if it is profitable he will stay open as noted on the license.

Councilor Clifford left the meeting at 9:12p.m.

At 9:15p.m. the Council President called for a five minute recess.

At 9:25p.m. the Council President called the meeting back to order.

OLD BUSINESS

Council Action

Committee on Ways & Means: Chairman John Mullaney

- 08 062 Mayor: Notice of Appointment – Braintree Cultural Council

Motion: by Councilor Mullaney to approve the appointments of the following individuals to the Braintree Cultural Council: Sherilyn Harrison (one year), John Cobble (three years), Heidi Hurley (three years), Robert Carroll (two years), Joan Carroll (two years) and Susan Bossa (one year).

Second: by Councilor Ryan

Vote: Unanimous

- 08 059 Mayor: FY08 Unpaid Bills – Waste Management (\$47,008)

Chairman Mullaney read a memo dated September 18, 2008 from Mayor Sullivan regarding payment of an outstanding bill owed to Waste Management and made the following motion "That the sum of \$47,008 be re-appropriated from the fiscal year 2009 Department of Public Works Program 12, Environmental Affairs/Waste Collection Refuse Collection Account for the purpose of paying an unpaid bill for refuse and recyclable."

Motion: by Councilor Mullaney

Second: by Councilor Ryan

Vote: Unanimous

- 08 064 Mayor: FY08 Unpaid Bills – Police Department (\$1,193.64)

Chairman Mullaney read a memo dated October 2, 2008 from Mayor Sullivan regarding payment of Quinn Bill benefits owed to a police officer and made the following motion
“That the sum of \$1,193.64 be re-appropriated from the fiscal year 2009 Police Department Program 4, Patrol Bureau/Sworn Personnel Account for the purpose of paying an unpaid bill for Quinn Bill Benefits which was incurred prior to July 1, 2008, which was not in excess of the fiscal year 2008 appropriation.”

Motion: by Councilor Mullaney

Second: by Councilor Ryan

Vote: Unanimous

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

REFER TO COMMITTEE

Committee of Ways & Means

- 08 066 Mayor: Notice of Appointment – MBTA Advisory Committee

Motion: by Councilor Ryan to refer Order 08 066 to Committee of Ways & Means

Second: by Councilor Randolph

Vote: Unanimous

Committee on the Department of Public Works: Chairman Charles Ryan

- 08 065 National Grid: Petition to install gas line service – Marcia Road
- 08 067 National Grid: Petition to replace gas line – Alves Avenue
- 08 068 National Grid: Petition to replace gas line – Storrs Avenue @ Windemere Circle
- 08 069 National Grid: Petition to replace gas line – Storrs Avenue @ Washington Street
- 08 070 National Grid: Petition to replace gas line – Storrs Avenue @ Parkside Avenue

Motion: by Councilor Ryan to refer Orders 08 065, 08 067 through 08 070 to Committee on the Department of Public Works

Second: by Councilor Randolph

Vote: Unanimous

It was unanimously voted to adjourn the meeting at 9:35 p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council